

Message Text

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PAGE 01 CONAKR 01136 301443Z
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FM AMEMBASSY CONAKRY
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FOR SCS

E.O. 11652: N/A
TAGS: CARR GV
SUBJECT: LEGAL REPRESENTATION FOR AMERICANS ARRESTED IN GUINEA

REF: STATE 147704

PRIVATE LAWYERS DO NOT EXIST UNDER GUINEAN LAW. ALL
DEFENDANTS, U.S. NATIONALS INCLUDED, WHO ARE BROUGHT TO TRIAL
ARE PROVIDED GRATIS WITH A "PUBLIC DEFENDER" TYPE COUNSEL.
THESE PUBLIC DEFENDERS ARE CHOSEN FROM AMONG EDUCATED ELITE
OF COMMUNITY. AT RECENT TRIAL OF U.S. NATIONAL IN BOKE,
DEFENSE WAS CONDUCTED BY LOCAL GOVERNMENT FUNCTIONARIES. IN
OPINION OF CONSUL WHO ATTENDED TRIAL, DEFENSE COUNSELS
DID ADEQUATE JOB BY GUINEAN STANDARDS. POINT TO REMEMBER
CONCERNING GUINEAN JUSTICE IS THAT AT LEAST IN ALL "POLITICAL"
OR OTHERWISE SENSITIVE CASES (WHICH WOULD PROBABLY INCLUDE ANY
CASE IN WHICH U.S. CITIZEN INVOLVED), VERDICT ALMOST CERTAINLY
ARRIVED AT AND APPROVED BY HIGH GOVERNMENT AUTHORITIES BEFORE
COMMENCEMENT OF TRIAL. RESULT IS THAT TRIAL IS LARGELY PRO FORMA
PROCEDURE UNDERTAKEN MAINLY FOR DIDACTIC CONSUMPTION OF LOCAL
POPULACE AND AS LEGAL FORMALITY
NECESSARY TO RETAIN SEMBLANCE OF PROPER JUDICIAL
PROCEDURES. IN PERSONAL OBSERVATION OF CONSUL, PUBLIC
PROSECUTOR IS OFFICIAL SPOKESMAN FOR GOG POSITION
DURING TRIAL PROCEDURES AND IS RESPONSIBLE FOR MAKING
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PAGE 02 CONAKR 01136 301443Z

SURE THAT GOG'S POSITION ON ISSUES UNDER REVIEW
ARE PROPERLY CONVEYED TO THOSE IN ATTENDANCE. THERE IS
NO JURY SYSTEM IN GUINEA. PRESIDING JUDGES (THERE
WERE FIVE IN MOST RECENT CASE) ARE OSTENSIBLY
RESPONSIBLE FOR DELIBERATING AND REACHING VERDICT
BASED ON EVIDENCE. IN SUM, DEFENSE IS PROVIDED BY
UNTRAINED PERSONS WHO, WHATEVER OTHER COMPETENCE OR PROBITY THEY

MAY POSSESS, HAVE LITTLE OR NO KNOWLEDGE OF LEGAL
PROCEDURES OR APPLICABLE LAW STATUTES. IN CONSUL'S
JUDGEMENT, DECK IS LIABLE TO BE STACKED IN FAVOR OF
PROSECUTOR, A REGULAR GOG PROFESSIONAL WITH PRIOR
ACCESS TO VERDICT AS WELL AS NECESSARY
AUTHORITY TO ACT AS GOG SPOKESMAN. BEST HOPE OF AMERICANS
ARRESTED IN GUINEA THUS IS NON-LEGAL -- GOG'S P
PITICAL AWARENESS
THAT PROMPT EXPULSION AVOIDS CREATING COMPLICATIONS
IN BILATERAL RELATIONS AND IN GUINEA'S
IMAGE ABROAD.
MAINLAND

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